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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,159	08/21/2001	Philippe Lance	SC0862ET	7391

23125 7590 01/30/2003

MOTOROLA INC
AUSTIN INTELLECTUAL PROPERTY
LAW SECTION
7700 WEST PARMER LANE MD: TX32/PL02
AUSTIN, TX 78729

EXAMINER

LAIR, DONALD M

ART UNIT	PAPER NUMBER
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2858

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,159

Applicant(s)

LANCE ET AL. 

Examiner

Donald M Lair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Claims 1 – 10 in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 11 – 17 been canceled.

Specification

3. The abstract of the disclosure is objected to because it still makes reference to the method of managing that was removed from this application. Correction is required. See MPEP § 608.01(b).

4. The title of the invention is not descriptive and makes reference to the method of managing that was removed from this application. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

5. Claim 6 is objected to because of the following informalities: "lease" in line 3 needs to be changed to - - least - -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1, 2, 5, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Getchel et al. (US-6,415,858).

8. In regards to Claim 1, Getchel et al. disclose an apparatus comprising thermal sensor, an A-D converter coupled to the thermal sensor, wherein the thermal sensor provides an input to the A-D converter (Column 14, lines 30 – 36; Fig. 3).

9. In regards to Claim 2, Getchel et al. disclose an apparatus as applied to Claim 1 wherein the thermal sensor comprises at least one diode (Column 7, lines 48 – 60).

10. In regards to Claim 5, Getchel et al. disclose an apparatus as applied to Claim 1 further comprising a plurality of thermal sensors and logic circuitry for selectively coupling the thermal sensors to the A-D converter (Column 14, lines 30 – 36; Fig. 1, element 50).

11. In regards to Claim 6, Getchel et al. disclose an apparatus as applied to Claim 5 wherein the plurality of thermal sensors are positioned in accordance to at least one predetermined criteria (Column 7, lines 56 – 58, lines 62).

12. In regards to Claim 8, Getchel et al. disclose an apparatus as applied to Claim 1 further comprising a processor (Fig. 3, element 226) and power management circuitry (Fig. 3, element 300) electrically coupled to the A-D converter through the CPU which provides feedback to the power management circuitry (Column 14, lines 12 – 36).

13. In regards to Claim 10, Getchel et al. disclose an apparatus as applied to Claim 8 further comprising communication circuitry coupled to the A-D converter for communicating the digital value to the processor (Fig. 3, elements 232, 235, and 226).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchel et al. in view of Soo et al. (US-5,237,481).

16. In regards to Claims 3 and 4, Getchel et al. disclose an apparatus as applied to Claim 2; however, they fail to disclose coupling the plurality of temperature sensitive diodes in series.

Soo et al. disclose a temperature sensing device where the temperature sensors comprise three diodes coupled in series (Column 2, lines 29 – 41).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus disclosed by Getchel et al. by using three diodes in series for the temperature sensors as disclosed by Soo et al. for the purpose of accurately monitoring the temperature while further canceling out common mode effects.

17. In regards to Claim 7, Getchel et al. disclose an apparatus as applied to Claim 6, but fail to teach positioning the temperature sensors based on sensitivity to thermal resistance.

Soo et al. disclose positioning the temperature sensor on the power transistor to enable the control circuitry to respond to a temperature change before the component is damaged by excess heat (Column 2, lines 51 – 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus disclosed by Getchel et al. by positioning the

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temperature sensors on areas of the device that are particularly sensitive to changes in temperature as disclosed by Soo et al. for the purpose of avoiding causing damage to the device due to a thermal increase.

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Getchel et al.

The Getchel et al. reference discloses an apparatus as applied to Claim 8 but fails to teach coupling storage circuitry between the A-D converter and the processor; however it is well known within the art that CPUs such as the one used by Getchel et al. include storage circuitry such as registers and internal RAM. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that despite the fact that the reference does not disclose separate storage circuitry, the circuitry disclosed by the applicant would be functionally identical to that of the reference and can be used for the purpose of storing signal data in memory after the signal is no long available on the CPU input lines.

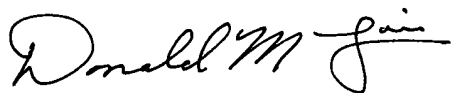
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald M Lair whose telephone number is (703) 305-4450. The examiner can normally be reached on Monday - Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (703) 308-0750. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1436.



Donald M. Lair
Patent Examiner
Art Unit 2858
January 23, 2003



N. Le
Supervisory Patent Examiner
Technology Center 2800